

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICOAL CORPORATION)	
)	
COMPLAINANT)	
)	
VS.)	CASE NO.
)	90-108
BOONE COUNTY WATER AND SEWER DISTRICT)	
)	
DEFENDANT)	

O R D E R

This matter has come before the Commission on Boone County Water and Sewer District's ("Boone District") motion to have the procedural schedule in this matter held in abeyance pending the Commission's ruling on its motion to dismiss. Additionally, Americoal Corporation ("Americoal") has moved for an extension of time in which to respond to Boone District's motion to dismiss for lack of jurisdiction. The Commission having reviewed this matter, and being otherwise sufficiently advised, finds that the motion to have the procedural schedule held in abeyance should be granted to give the Commission an opportunity to address the jurisdictional issue prior to any further discovery being conducted. The need for discovery may be obviated depending upon the Commission's ruling on jurisdiction. The Commission further finds that Boone District's motion for an extension of time is reasonable, will not result in any undue prejudice to Boone District and, therefore, should be granted.

IT IS HEREBY ORDERED that:

1. Boone District's motion to hold the procedural schedule in abeyance is granted and all discovery shall be stayed as of the date of this Order.

2. Americoal's motion for an extension of time to respond to Boone District's motion to dismiss is granted.

Done at Frankfort, Kentucky, this 29th day of August, 1990.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director